

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HENRY JOINER,)
)
Petitioner,)
)
v.) CIVIL ACT. NO. 2:22-cv-629-ECM
) (WO)
WARDEN JOHN CROW,)
)
Respondent.)

MEMORANDUM OPINION and ORDER

On April 3, 2023, the Magistrate Judge entered a Recommendation that the petition for habeas corpus relief pursuant to 28 U.S.C. § 2241 be dismissed. (Doc. 24). The Petitioner filed objections to the Recommendation. (Doc. 25). The Court has carefully reviewed the record in this case, the Recommendation of the Magistrate Judge, and the Petitioner's objections. For the reasons that follow, the Court concludes that the Petitioner's objections are due to be overruled, the Recommendation of the Magistrate Judge is due to be adopted, and this case is due to be dismissed.

When a party objects to a Magistrate Judge's Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). *See also United States v. Raddatz*, 447 U.S. 667, 674 (1980). The district court "may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. by Ernest S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990).

However, objections to the Magistrate Judge's Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992) ("[w]henever any party files a timely and specific objection to a finding of fact by a magistrate, the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.") (quoting *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988)). Otherwise, a Report and Recommendation is reviewed for clear error.

The Court has carefully reviewed the record in this case, the Recommendation of the Magistrate Judge, and the Petitioner's objections. In his objections, the Petitioner does not identify any error by the Magistrate Judge or challenge the Court's legal conclusions that his claims are moot or unexhausted. The Petitioner's objections are conclusory and a recitation of the claims raised in his petition that are not properly before the Court at this time. His general objections are reviewed for clear error and are due to be overruled.

Accordingly, upon an independent review of the file in this case and for good cause, it is

ORDERED as follows that:

1. The Petitioner's objections (doc. 25) are OVERRULED.
2. The Recommendation of the Magistrate Judge (doc. 24) is ADOPTED.
3. The petition for habeas corpus relief is DISMISSED as moot to the extent that the Petitioner challenges his pretrial custody on speedy trial grounds and seeks enforcement of his right to be brought to trial in a timely fashion.

4. The petition for habeas corpus relief is DISMISSED WITHOUT PREJUDICE to the extent that the Petitioner seeks dismissal of the state charge against him and a subsequent bar to state prosecution based on that charge.

5. This case is dismissed.

A separate final judgment will be entered.

DONE this 11th day of May, 2023.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE